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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

2/1/82

FILE: B-206527

DATE: March 15, 1982

MATTER OF: Little Susitna Company, Inc.

**DIGEST:**

1. Where protester's initial submission indicates protester believes it should receive an award but fails to indicate any deficiency in how procurement was conducted, GAO will summarily deny the protest without obtaining a report from the agency.
2. GAO will not consider challenge to small business status of awardees since the Small Business Administration, not GAO, is authorized by law to determine conclusively size status of those competing for Federal contracts.

Little Susitna Company, Inc. protests what it calls the Navy's circumvention of the selection criteria published in its request for proposals (RFP) No. N62474-81-C-A511 which called for offers with respect to fuel storage tanks in Adak, Alaska. We find no merit to the protest.

In support of its allegation, Susitna states that it is a minority-owned firm located in Alaska with the experience and capacity to do the work, that the procurement is set aside for small business firms, but that the two firms selected are the "largest consulting firms in Alaska," and that the procuring activity had not given any contracts to Alaskan minority firms for the past twelve years except for a small one Susitna received last year.

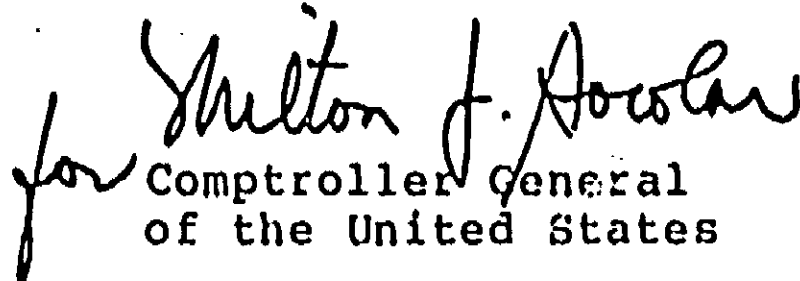
These statements, even if true, do not provide any basis for us to object to the awards. The fact that Little Susitna is a minority firm, is capable of performing the required work, is located in Alaska,

and has had only one prior contract from the procuring activity does not establish that the firm was legally entitled to an award or that one or both of the awardees were not so entitled. Rather, these statements suggest only that the protester believes it should be selected for these awards because of its experience, capability and status and because it has not had many previous awards. In this regard, we note that the protester does not indicate what the selection criteria were or how they were circumvented, and further note that the protester's statements would not entitle an offeror to an award under selection criteria normally used by Federal agencies.

Our Bid Protest Procedures, 4 C.F.R. Part 21 (1981), require a protest to state the grounds on which it is based. This, in turn, implicitly requires the stated grounds to be such that, if supported, they would indicate some deficiency in the procurement against which the protest is filed. In the absence of such an indicated deficiency, we will summarily deny the protest without seeking an agency report. Northern Virginia Chapter, Associated Builders and Contractors, Inc.--Reconsideration, B-202510.2, August 3, 1981, 81-2 CPD 85; Valiant Security Agency, B-205087.2, December 28, 1981, 81-2 CPD 501.

With respect to the small business size status of the awardees, we note that the protester does not explicitly allege that they do not qualify as small businesses. In any event, we do not consider challenges to the size status of a bidder or offeror on a Government contract since by law it is the Small Business Administration (SBA) which conclusively determines such size status. 15 U.S.C. § 637(b) (1976). Any challenge to the small business status of a firm competing for a Federal contract must be made to the SBA in a timely fashion through the contracting officer as provided by regulation. See Defense Acquisition Regulation § 1-703 (b)(1).

The protest is summarily denied in part and dismissed in part.

*for*   
Comptroller General  
of the United States